



1301 K STREET, N.W.
WASHINGTON, D.C. 20071-7403

April 8, 2020

Department of Defense Office of Inspector General
ATTN: FOIA Requester Service Center, Suite 10B24
4800 Mark Center Drive
Alexandria, VA 22350-1500

Re: EXPEDITED FOIA Request 20200408DODIGnj

Dear Information Officer:

Pursuant to the Freedom of Information Act (FOIA), I hereby request the following:

All emails sent to or from the email address of Acting Pentagon Inspector General Glenn Fine from April 3, 2020 until the date this FOIA is processed.

I am a representative of the Washington Post, a news media organization primarily engaged in the dissemination of information that is urgently needed to inform the public of actual or alleged Federal Government activity. **This request qualifies for expedited processing** because:

- 1) knowledge of the communications former person in charge of the \$2.1 trillion CARES stimulus package is a matter of current exigency to the American public;
- 2) delay in releasing information about Fine's communications will compromise the recognized public interest in being informed of why an inspector general was removed;
- 3) emails sent to or from the acting inspector general are clearly federal government activity; and
- 4) there are credible claims, including by the members of the House and Senate Oversight Committees, that aspects of the government's activity in removing Fine is improper. I certify that this information is true and correct to the best of my knowledge. (See *Al-Fayed v. C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001); *Bloomberg, L.P. v. U.S. Food & Drug Admin.*, 500 F.Supp.2d 371, 378 (S.D.N.Y. 2007).

If you regard these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires under 5 U.S.C. § 552(a)(8), **please release all segregable, non-exempt portions** of documents. To permit me to reach an intelligent and informed decision whether to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

As required by the statute, please review whether there is any foreseeable harm from disclosing the requested records, or if any potential harm would be limited in comparison to the public interest in disclosure. As required by 5 U.S.C. § 552(a)(8), please release all such information, even if it technically may fall under a FOIA exemption.

As a representative of the news media, The Washington Post qualifies for **news media fee status** under 5 U.S.C. § 552(a)(4)(A)(ii)(II) and, therefore, may not be charged search and review fees. (See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381 (D.C. Cir. 1989), cert denied, 110 S Ct. 1478 (1990)). This request is made as part of a scholarly and news research project that is intended for publication and is not for commercial use. For details on the Post's news reporting activities please see our website at www.washingtonpost.com.

As you know, 5 U.S.C. § 552(a)(4)(A)(viii)(I) prohibits agencies from charging news media organizations duplication fees if the agency does not meet its twenty working day time limit (thirty working days for "unusual" requests).

Additionally, because this information will be used by the Washington Post for the preparation of news articles that will be broadly disseminated to the general public, it will contribute significantly to public understanding of the operations or activities of the government and is not primarily in the Post's commercial interest. As such, please grant a **fee waiver** for any remaining fees incurred.

Please notify me before incurring any cost over \$100.

To expedite the release of the requested documents, please disclose them on an interim basis in **electronic format** as they become available to you, without waiting until all the documents have been processed. If you have any questions regarding my request, including its scope, please contact me at **nate.jones@washpost.com**

Sincerely,

/S/

Nate Jones